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E.O. 12958: DECL: 06/26/2034
TAGS: [EFIN](#) [ETTC](#) [KTFN](#) [PREL](#) [PTER](#) [ZF](#) [UNSC](#)
SUBJECT: UNSC DRC SANCTIONS COMMITTEE INFO REQUEST

REF: A. KIGALI 292
[1](#)B. STATE 39754

Classified By: IO A/S BRIMMER FOR REASONS 1.4 (B) & (D)

[1](#)1. (U) This is an action request; see para 3.

STRATEGIC OBJECTIVE

[1](#)2. (SBU) The strategic objective is to ensure the United States is in compliance with its UN obligation to freeze assets on U.S. territory of individuals and entities designated by the UN Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo ("the DRC Sanctions Committee" - www.un.org/sc/committees/1533/index.shtml).

ACTION REQUEST

[1](#)3. (SBU) Action addressees are requested to approach host governments and request information for the four individuals and one entity listed in para 6 and transmit response via a standalone UNCLASSIFIED cable. If host governments are unable to provide information, the United States will propose these individuals and entity be delisted by the DRC Sanctions Committee.

BACKGROUND

[1](#)4. (S/NF) In October 2005, the UK, France, and the United States submitted seventeen individuals and entities for designation by the DRC Sanctions Committee for violating the arms embargo on the DRC. The DRC Sanctions Committee designated these seventeen individuals and entities on 14 October 2005, but the United States has not domestically designated nine of the individuals and one entity. If these individuals or entity have assets on U.S. territory, then the United States is out of compliance with its UN obligation to freeze assets of listed individuals/entities. U.S. non-compliance undercuts our credibility in requesting other Member States to live up to their UN obligations. The United States is attempting to gather sufficient information to fulfill its UN obligations.

[1](#)5. (S/NF) The United States believes it currently has sufficient information to domestically designate five of the individuals (Ntaganda, Lubanga, Katanga, Ngudjolo, and Mutebutsi). However, we have been unable to locate bio-identifiers and information demonstrating that four of the individuals (Njabu, Bwambale, Nyakuni, or Kakwavu) meet

the designation criteria. Additionally, the entity (Tous Pour la Paix et le Developpement) appears to no longer exist.

If host governments cannot provide this information, the United States will not be able to domestically designate the individuals and entity and will remain unable to implement the asset freeze. Rather than continuing to risk being out of compliance with its UN obligations, the United States will seek delisting of these individuals and entity in the DRC Sanctions Committee.

INDIVIDUALS AND ENTITY

¶6. (SBU) Posts are to request as much of the following information as can be provided by host governments (date of birth being the most critical). If exact information is not available, please request that governments provide whatever information is available (for example, years of birth and current believed locations would be useful, even if specific dates of birth and addresses are not available):

-- Floribert Ngabu NJABU: bio-identifiers (para 7 below) and information demonstrating NJABU meets the designation criteria (para 8 below)

-- Frank Kakolele BWAMBALE: bio-identifiers (para 7 below) and information demonstrating BWAMBALE meets the designation criteria (para 8 below)

-- James NYAKUNI: bio-identifiers (para 7 below) and information demonstrating NYAKUNI meets the designation criteria (para 8 below)

-- Jerome Kakwavu BUKANDE: bio-identifiers (para 7 below) and information demonstrating BUKANDE meets the designation criteria (para 8 below)

-- Tous Pour la Paix et le Developpement: address, owner, information demonstrating this entity continues to exist, information that this entity meets the designation criteria (para 8 below)

BIO-IDENTIFIERS

¶7. (U) If exact information is not available, please request that governments provide whatever information is available (for example, years of birth and current believed locations would be useful, even if specific dates of birth and addresses are not available):

- AKAs
- DOB (critical)
- POB
- Citizenship
- Nationality
- Title / rank
- Current address or location
- Passport number and issuing country
- National ID number

DESIGNATION CRITERIA

¶8. (U) Pursuant to operative paragraph 4 of UNSC resolution 1857 (2008), the asset freeze and travel ban shall apply to individuals and entities as designated by the DRC Sanctions Committee that meet any of the following criteria:

- Persons or entities acting in violation of the arms embargo;
- Political and military leaders of foreign armed groups operating in the DRC who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;
- Political and military leaders of Congolese militias receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilization and reintegration processes;
- Political and military leaders operating in the DRC and

recruiting or using children in armed conflicts in violation of applicable international law;

- Individuals operating in the DRC and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement;

- Individuals obstructing the access to or the distribution of humanitarian assistance in the eastern part of the DRC; and/or,

- Individuals or entities supporting the illegal armed groups in the eastern part of the DRC through illicit trade of natural resources.

REPORTING DEADLINE AND POC

¶9. (U) Posts are requested to respond by 20 July. Point of contact in IO's Office of Peacekeeping, Sanctions, and Counterterrorism is Jean Clark (202.736.7736; clarkjt@state.sgov.gov).

¶10. (U) Department appreciates Posts' efforts. Particular thanks go to Embassy Kigali, which has already provided necessary bio-identifiers for one individual (reftel a), and to Embassy Kinshasa for its repeated inquiries with the GDRC regarding the bio-identifiers of an individual in para 6 who is in GDRC custody.

CLINTON